

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SHAHEED OMAR,

Plaintiff,

v.

ANTONIO GARCIA,

Defendant.

Case No. 7:13-cv-00298-SGW

DEFENDANT’S MOTION TO DISMISS

Defendant, Antonio Garcia (“Defendant” or “Garcia”), by counsel, hereby moves to dismiss Plaintiff’s Complaint, with prejudice, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. In Plaintiff’s Complaint, he attempts to allege a claim based upon Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq* (“Title VII”). Plaintiff has failed to establish Title VII subject matter jurisdiction, and similarly failed to state a plausible claim under Title VII. Therefore, for reasons that Defendant will state further in a brief he intends to file in the near future, Defendant respectfully requests that the Court enter an Order dismissing this action with prejudice and granting further relief to Defendant pursuant to applicable law.

Respectfully Submitted,

ANTONIO GARCIA

By: /s/ John R. Thomas, Jr.

Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2013, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system and sent via U.S. Mail, postage pre-paid, to:

Shaheed Omar, *pro se*
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/s/ John R. Thomas, Jr.

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